IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 9257 of 2006(B)

PETITIONER:

PRIYA MOHAN,
SAROJ, SOUTH FORT,
MAVELIKKARA.

BY ADV. SRI.S.CHANDRASENAN

RESPONDENTS:

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1. KERALA PUBLIC SERVICE COMMISSION,
THIRUVANANTHAPURAM, REP. BY ITS CHAIRMAN.

2. THE DIRECTOR OF AGRICULTURE,
OFFICE OF THE AGRICULTURE OFFICE,
TRIVANDRUM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
BY GOVT.PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE LIST PUBLISHED BY THE PSC.

EXT.P2 TRUE COPY OF REPN.DTD.6.2.2006.

TRUE COPY

P.A.TO JUDGE

K.BALAKRISHNAN NAIR,J

W.P.(C)NO.9257 of 2006

Dated this the 19th day of July, 2007

JUDGMENT

The petitioner was a candidate included in the rank list published by the Public Service commission on 5.12.2002 for appointment to the post of Agricultural Officer Grade II. She was included in the main list with rank No.155. The rank list expired on 5.12.2005. This writ petition is filed after the expiry of the rank list on 27.3.2006 seeking the following reliefs:

> i) issue a writ of mandamus or any other writ, order or direction directing the respondent No.1 to advise the name of the petitioner atleast in the NJD vacancies that are reported prior to 5.12.2005.
> ii) declare that allocating Ezhava quota vacancies to the back log vacancies of SC/ST/OC is illegal.
>
> iii) issue a direction to the first respondent to consider the representation Ext.P2 submitted by the respondent in the light of the facts and circumstances and also in accordance with the prevailing rules.
>
> iv) issue such other appropriate writ, order or direction as this Hon'ble court deems fit on the facts and circumstances of the case.

2. Prayer No.1 cannot be granted as the Public Service Commission has filed a counter affidavit in which it is submitted `no NJD vacancies were reported before 5.12.2005'. The petitioner in her reply affidavit does not dispute that submission. Earlier SC/ST turns were given to Ezhava candidates. Then if SC/ST candidates are available, they have to be compensated. So the second prayer is also untenable. In view of the above position, no purpose will be served by directing the Public Service Commission to consider Ext.P2, especially, in view of the fact that the candidates were advised to all the vacancies reported before the expiry of the rank list. Therefore, the writ petition is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE

CSS